Supreme Court of the United States

OCTOBER TERM, 1968

No. 47

WALTER B. FOSTER,

Petitioner,

—v.—

CALIFORNIA,

Respondent.

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL OF CALIFORNIA, FIFTH APPELLATE DISTRICT

INDEX

	Page
Docket Entries	1
Clerk's Transcript on Appeal—(People of the State of California, Plaintiff, vs Walter Foster, Defendant, Fresno County Superior Court No. 21561) (excerpts)	
Information	5
Minutes (Arraignment)	6
Minutes (Trial, May 9 and 10, 1966)	7
Instructions requested by The People	13
Verdict	15
Minutes (judgment)	16
Abstract of Judgment	17
Notice of appeal	19
Minutes (Correction of Transcript)	19
Certificates as to record and of service (omitted in printing)	20

DOCKET ENTRIES

14) July 31, 1967—Supreme Court, State of California orders time for granting or denying a hearing on petition for hearing in Supreme Court on denial of Motion to Recall Remittitur, Vacate Judgment and Reinstate Appeal, filed District Court of Appeal, Fifth Appellate District, California, extended to and including September 26, 1967.

15) September 22, 1967—Hearing denied on petition for hearing to Supreme Court on denial of Motion to Recall Remittitur, Vacate Judgment and Reinstate Appeal, filed District Court of Appeal, Fifth Appellate District, California.

16) September 8, 1967—Petition for Writ of Certiorari, United States Supreme Court.

17) September 8, 1967—Motion to proceed in Forma Pauperis—Filed United States Supreme Court.

18) January 16, 1968—Motion for the appointment of Counsel—Filed United States Supreme Court.

19) March 25, 1968—Order on Motion to Proceed in Forma Pauperis and on Writ of Certiorari granted, limited to the question of whether the conduct of the police lineup resulted in a violation of the petitioner's constitutional rights.

20) May 6, 1968—Order for Appointment of counsel granted; KENNETH L. MADDY, Fresno, California appointed.

IN THE DISTRICT COURT OF APPEAL
FIFTH APPELLATE DISTRICT
STATE OF CALIFORNIA

Fresno County No. 21561

No. 5 CR 283

Appeal from the Superior Court of Fresno County,
Honorable Harold V. Thompson, Judge.

Filed, June 15, 1966, J. L. Brown, Clerk,
By Patricia R. Starks, Deputy.

Filed, Dist. Court of Appeal-Fifth Dist., July 22, 1966,
James G. Huggins, Clerk,
Elizabeth B. Pliske, Deputy Clerk.

THE PEOPLE OF THE STATE OF CALIFORNIA,
PLAINTIFF and RESPONDENT

vs.

WALTER FOSTER, DEFENDANT and APPELLANT